IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1533 OF 2006

Sandeep Bhiwa Bhise ...Applicant

V/s.

State of Maharashtra ... Respondent

Mr. B.A. Allor for the Applicant

Mrs. V.R. Bhosale, Additional Public Prosecutor, for the Respondent.

CORAM: KSHITIJ R. VYAS, C.J.
DATE: JUNE 16, 2006.

P.C.:-

1. Heard learned counsel appearing for the parties.

2. By this application, the applicant prays that he be released on bail.

3. It is stated in the order dated 21st November, 2005 passed by the Additional Sessions Judge, Pune, in Sessions Case No. 461 of 2005 that he had already rejected similar prayer made on behalf of accused Datta vide order dated 25th October,

2005. The case of the present applicant is not much different from Datta's case.

4. Learned counsel for the applicant submitted that there are no incriminating circumstances or evidence connecting the accused. On the basis of the recovery of *Mangalsutra* at the instance of the applicant, he cannot be kept behind the bars indefinitely.

5. It is alleged that the applicant, along with others, committed house trespass. It is also alleged that accused No. 1 and accused No. 2 assaulted and stabbed to death one Ujjwala and her son Akshay, aged 10 years. Not only that, but another son of deceased Ujjwala, Shubham, was wrongfully confined in the latrine.

6. Whether there is identification parade or not is not a question to be considered at this stage. The recovery of *Mangalsutra* of deceased Ujjwala at the instance of the applicant, the statement of the owner of the jewellery shop from where it was recovered, and the recovery of blood-stained clothes of the applicant are the circumstances denying bail to the applicant.

7. No case for bail is made out. This application is rejected.

CHIEF JUSTICE